

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Chen et al.**

Serial No.: **10/666,796**

Filed: **September 18, 2003**

For: **Method of Displaying Real-Time  
Service Level Performance, Breach, and  
Guaranteed Uniformity with Automatic  
Alerts and Proactive Rebating for Utility  
Computing Environment**

§ Group Art Unit: **3625**  
§  
§ Examiner: **Michael Misiaszek**  
§  
§ Attorney Docket No.: **AUS920030302US1**  
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§

Commissioner for Patents  
P.O. Box 1450  
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**35525**  
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

**PRELIMINARY AMENDMENT**

Sir:

A fee of \$790.00 is required for filing a Request for Continued Examination. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Preliminary to the continued examination of the above referenced application, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently Amended) A method in a data processing system for a utility computing environment, the method comprising:

setting service level thresholds for the utility computing environment, wherein the service level thresholds are based on a service level agreement with a customer;

displaying a view of a current service level for the customer;

presenting a view of a promised service level based on service level agreement parameters;

identifying at least one discrepancy between the promised service level and the current service level; and

providing a rebate to the customer for the at least one discrepancy, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time ~~and resources~~ than specified in the service level agreement.

2. (Original) The method of claim 1, wherein the service level agreement parameters include at least one of a duration, a transaction, a configuration, and a threshold.

3. (Original) The method of claim 1 further comprising:  
modifying the service level thresholds using a graphical user interface.

4. (Original) The method of claim 1, wherein the service level thresholds are used to generate a warning prior to the occurrence of the at least one discrepancy.

5. (Previously Presented) The method of claim 1, wherein the discrepancy is identified by at least one of breaching the service level agreement, exceeding the service level agreement parameters, completing a service request prior to a promised service level completion time, and completing a service request without using a promised service level resource.

6. (Original) The method of claim 1, wherein the service level thresholds are set for at least one of a customer, a service provider, and a utility computing host.
7. (Original) The method of claim 6 further comprising:  
alerting the at least one of the customer, the service provider, and the utility computing host of the at least one discrepancy and a root cause for the at least one discrepancy.
8. (Original) The method of claim 1 further comprising:  
providing an option to customize the view of the current service level and the view of the promised service level.
9. (Original) The method of claim 1, wherein the view of a current service level is at least one of a real-time view and a historical view.
10. (Currently Amended) A method in a data processing system for a utility computing environment, the method comprising:  
displaying at least one of an infrastructure view and an application view of a current service level for a customer, wherein the infrastructure view contains information technology hardware and software components, wherein the application view contains software applications residing on utility computing resources, and wherein the infrastructure view and the application view are linked;  
presenting a view of a promised service level based on service level agreement parameters, wherein the infrastructure view and the application view show a relationship between the current service level and the promised service level, and wherein the relationship indicates a progress level of a service request with respect to a service level agreement with the customer;  
providing a rebate to a customer when at least one discrepancy between the current service level and the promised service level occurs, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time than specified in the service level agreement;  
retrieving additional details of the at least one of the infrastructure view and the application view by clicking on a component of the at least one of the infrastructure view and the application view,  
wherein the additional details include the rebate and an impact for breaching the service level agreement;  
and  
switching between the infrastructure view and the application view.

11. (Original) The method of claim 10, wherein a view of the current service level includes at least one of a warning, an alert, a breach, a duration, a transaction, a configuration, a threshold, a rebate, a utility computing resource, a consumed computer resource, and a consumed human resource.

12. (Previously Presented) The method of claim 10 further comprising:  
alerting at least one of a customer, a service provider, and a utility computing host of a discrepancy between the current service level and the promised service level, wherein the relationship shows a severity level for the discrepancy.

13. (Canceled)

14. (Previously Presented) The method of claim 13 wherein the at least one discrepancy is based on at least one of exceeding a service level agreement parameter, breaching a service level agreement, completing a service request prior to a promised service level completion time, and completing a service request prior to using a promised service level resource.

15. (Currently Amended) A data processing system for a utility computing environment, the data processing system comprising:

setting means for setting service level thresholds for the utility computing environment, wherein the service level thresholds are based on a service level agreement with a customer;

displaying means for displaying a view of a current service level for the customer;

presenting means for presenting a view of a promised service level based on service level agreement parameters;

identifying means for identifying at least one discrepancy between the promised service level and the current service level; and

providing means for providing a rebate to the customer for the at least one discrepancy, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time and resources than specified in the service level agreement.

16. (Original) The data processing system of claim 15 further comprising:  
alerting means for alerting at least one of a customer, a service provider, and a utility computing host of the at least one discrepancy and a root cause for the at least one discrepancy.
17. (Original) The data processing system of claim 15 further comprising:  
providing means for providing an option to customize the view of the current service level and the view of the promised service level.
18. (Currently Amended) A data processing system for a utility computing environment, the method comprising:  
displaying means for displaying at least one of an infrastructure view and an application view of a current service level for a customer, wherein the infrastructure view contains information technology hardware and software components, wherein the application view contains software applications residing on utility computing resources, and wherein the infrastructure view and the application view are linked;  
presenting means for presenting a view of a promised service level based on service level agreement parameters, wherein the infrastructure view and the application view show a relationship between the current service level and the promised service level, and wherein the relationship indicates a progress level of a service request with respect to a service level agreement with the customer;  
providing means for providing a rebate to a customer when at least one discrepancy between the current service level and the promised service level occurs, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time than specified in the service level agreement;  
retrieving means for retrieving additional details of the at least one of the infrastructure view and the application view by clicking on a component of the at least one of the infrastructure view and the application view, wherein the additional details include the rebate and an impact for breaching the service level agreement; and  
switching means for switching between the infrastructure view and the application view.
19. (Previously Presented) The data processing system of claim 18 further comprising:  
alerting means for alerting at least one of a customer, a service provider, and a utility computing host of a discrepancy between the current service level and the promised service level, wherein the relationship shows a severity level for the discrepancy.

20. (Canceled)

21. (Currently Amended) A computer program product in a computer readable medium for a utility computing environment, the computer program product comprising:

first instructions for setting service level thresholds for the utility computing environment, wherein the service level thresholds are based on a service level agreement with a customer;

second instructions for displaying a view of a current service level for the customer;

third instructions for presenting a view of a promised service level based on service level agreement parameters;

fourth instructions for identifying at least one discrepancy between the promised service level and the current service level; and

fifth instructions for providing a rebate to the customer for the at least one discrepancy, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time ~~and resources~~ than specified in the service level agreement.

22. (Original) The computer program product of claim 21 further comprising:

instructions for alerting at least one of a customer, a service provider, and a utility computing host of the at least one discrepancy and a root cause for the at least one discrepancy.

23. (Original) The computer program product of claim 21 further comprising:

instructions for providing an option to customize the view of the current service level and the view of the promised service level.

24. (Currently Amended) A computer program product in a computer readable medium for a utility computing environment, the computer program product comprising:

first instructions for displaying at least one of an infrastructure view and an application view of a current service level for a customer, wherein the infrastructure view contains information technology hardware and software components, wherein the application view contains software applications residing on utility computing resources, and wherein the infrastructure view and the application view are linked;

second instructions for presenting a view of a promised service level based on service level agreement parameters, wherein the infrastructure view and the application view show a relationship between the current service level and the promised service level, and wherein the relationship indicates a progress level of a service request with respect to a service level agreement with the customer;

third instructions for providing a rebate to a customer when at least one discrepancy between the current service level and the promised service level occurs, wherein the rebate assures that the customer pays for service rendered, wherein the rebate is generated both for breaching the service level agreement and for guaranteed uniformity, and wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time than specified in the service level agreement;

fourth ~~third~~ instructions for retrieving additional details of the at least one of the infrastructure view and the application view by clicking on a component of the at least one of the infrastructure view and the application view, wherein the additional details include the rebate and an impact for breaching the service level agreement; and

fifth ~~fourth~~ instructions for switching between the infrastructure view and the application view.

25. (Previously Presented) The computer program product of claim 24 further comprising:

instructions for alerting at least one of a customer, a service provider, and a utility computing host of a discrepancy between the current service level and the promised service level, wherein the relationship shows a severity level for the discrepancy.

26. (Canceled)

27. (Previously Presented) The method of claim 1 further comprising:

displaying a relationship between the current service level and the promised service level based on the service level agreement parameters, wherein the relationship indicates a severity level for the at least one discrepancy.

28. (Previously Presented) The method of claim 27, wherein a severity level indicator comprises a red light, a yellow light, and a green light on a traffic light.

29. (New) The method of claim 1, wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using both less time and less resources than specified in the service level agreement.

30. (New) The method of claim 10, wherein guaranteed uniformity is the process of crediting the customer when successfully completing a service request using both less time and less resources than specified in the service level agreement.



## **REMARKS/ARGUMENTS**

Claims 1-12, 14-19, 21-25, and 27-30 are pending in the present application. By this Preliminary Amendment, claims 13, 20, and 26 are canceled; claims 1, 10, 15, 18, 21, and 24 are amended; and claims 29-30 are added for the concurrently filed Request for Continued Examination. Claims 1, 10, 15, 18, 21, and 24 are amended to clarify that guaranteed uniformity is the process of crediting the customer when successfully completing a service request using less time than specified in the service level agreement. In addition, claims 10, 18, and 24 are amended to include the content of claims 13, 20, and 26 and to add clarification for “additional details” in the retrieving step. Support for these amendments is located at least in the previous draft of the claims and in the Specification on page 12, line 20, through page 15, line 23 and on page 18, line 18, through page 21, line 15. Reconsideration of the claims is respectfully requested.

### **I. Telephone Interview**

Applicants thank Examiner Michael Misiaszek for the courtesies extended to Applicants’ representatives during the April 27, 2006 telephone interview. During the interview, Applicants’ representatives discussed proposed amendments to the claims. No agreements were reached.

### **II. Conclusion**

Applicants respectfully request prompt and favorable consideration of all of claims 1-12, 14-19, 21-25, and 27-30. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 1, 2007

Respectfully submitted,

/Gerald H. Glanzman/

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